



(291103710) On-line FOIA Request
idaemon.rtpnc.epa.gov to: FOIA HQ, Group R4Foia

10/19/2011 10:39 AM

From: "idaemon.rtpnc.epa.gov" <idaemon@rtpnc.epa.gov>
To: FOIA HQ@EPA, Group R4Foia@EPA

FREEDOM OF INFORMATION ACT
INFORMATION OFFICE

DATE: 10/19/11
TIME: 1:10
CASE NO: 00050-12
SUBJECT: Savannah Harbor Expansion Project
STATUS: 64 READ
OTHER: Fee Waiver

01_NAME_:William Sapp
02_COMPANY_:Southern Environmental Law Center
03_ADDRESS_:127 Peachtree Street
04_CITY_:Atlanta
05_STATE_:GA
06_ZIP_:30303
07_EMAIL_:bsapp@selcga.org
08_PHONE_:404-521-9900
09_FAX_:404-521-9909

10_SPECIFIC_INFORMATION_NEEDED_:All documents created after January 1, 2009, relating to EPA's review of the Savannah Harbor Expansion Project. We have copies of the DEIS and the DGRR. We are interested in documents that support or critique the DEIS and DGRR or support or critique drafts of the FEIS and FGRR.

11_FEE_:Other Specified Amount, \$250

12_FEE_WAIVER:Yes

13_FeeWaiver_text:SELC is requesting photocopies without charge, or at a reduced charge, because reduction or waiver of fees would be in the public interest. A disclosure is in the public interest if (1) it is likely to contribute significantly to public understanding of the operations or activities of the government, and (2) it is not primarily in the commercial interest of the requester. The public interest standard of the fee waiver provision of the FOIA should be "liberally construed" in favor of waivers. McClellan Ecological Seepage Situation v. Carlucci, 835 F.2d 1282, 1284 (9th Cir. 1987); Pederson v. Resolution Trust Corp., 847 F. Supp. 851, 855 (D.Colo.1994); Etlinger v. FBI, 596 F. Supp 867, 872 (D. Mass. 1984). The goal of the statute is to avoid the "roadblocks and technicalities which have been used by various Federal agencies to deny waivers...." Pederson, 847 F. Supp. at 855.

SELC is a 501(c)(3) non-profit organization with over 20 years of experience disseminating public information regarding Corps regulatory and operations issues. See 5 U.S.C. § 552 (a)(4)(A)(iii). SELC maintains a website that includes both general and topic-specific information regarding the matters with which SELC is involved. For example, SELC frequently publishes reports and issues press releases regarding its projects (See e.g., "Known Flaws Sunk Savannah Harbor Project with South Carolina" http://www.southernenvironment.org/newsroom/press_releases/known_flaws_sunk_savannah_harbor_project/.) Lawyers at SELC are interviewed by the media to explain their work and its significance. (See, e.g., "Corps warns it may ignore S.C. to deepen Savannah harbor," The State, October 18, 2011, <http://www.thestate.com/2011/10/18/2013263/corps-warns-it-may-ignore-sc-to.htm> l#ixzz1b9GgflEy.) SELC's website contains documents generated by SELC for the specific purpose of educating the public on particular issues. (See e.g., "Savannah Harbor Deepening: Costly River Deepening Unrelated to Port Business," http://www.southernenvironment.org/cases/port_expansions_a_race_to_the_bottom/.) SELC also speaks at conferences on particular topics. (See, e.g., Center for Sustainable Coast Savannah Harbor Conference, May 26, 2010). SELC also assists the public in locating information relating to a particular topic by collecting and posting relevant information, documents, and links to other websites.

A fee waiver clearly will benefit the general public through increased notice and understanding of the operations of the government and of potential or proposed major policy incentives. SELC further certifies that disclosure of the information sought is not in our commercial interest.

15_ExpeditedWaiver_text

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Referred: <http://www.epa.gov/foia/requestform.html>

TSSMS: epafoial

Mail to File: HQ, R4



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
ENVIRONMENTAL INFORMATION

November 3, 2011

William Sapp
Southern Environmental Law Center
127 Peachtree Street
Atlanta, GA 30303

RE: Request Number 04-FOI-00050-12

Dear Mr. Sapp:

This is in response to your request for a fee waiver in connection with your Freedom of Information Act (FOIA) request for copies of records concerning EPA's review of the Savannah Harbor Expansion Project.

We have reviewed your fee waiver justification and based on the information you provided, we are granting your request for a fee waiver. However, this fee waiver does not include a waiver of fees for otherwise publically available records. EPA's Region 4 office will be responding to your FOIA request.

If you have any questions concerning this letter, please contact me at (202) 566-1667.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry F. Gottesman", is written over the word "Sincerely,".

Larry F. Gottesman
National FOIA Officer

RECEIVED
OCT 20 2011



Fee Waiver Determination for FOIA Request 04-FOI-00050-12 - William Sapp

Lawana Woodard to: hq.foia, Group R4Foia
Cc: Melvin Cruver

10/20/2011 02:26 PM

From: Lawana Woodard/R4/USEPA/US
To: hq.foia@epa.gov, Group R4Foia@EPA
Cc: Melvin Cruver/R4/USEPA/US@EPA

This request is being forwarded for fee waiver determination.
Request for Documents for Case # '04-FOI-00050-12'. Due date: November 17, 2011.



FOIA Control Sheet - Case #- 04-FOI-00050-12.doc Request Description.tif

Lawana Woodard
U. S. Environmental Protection Agency
Office of Policy & Management
FOIA & Records Services Section
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